



HISTORIC PRESERVATION COMMISSION

Nave, Community Design Studio

7506 East Indian School Road

September 8, 2005

5:00 p.m.

CALL TO ORDER

The meeting was called to order at 5:00 p.m.

ATTENDANCE

Present: Ed Wimmer, Chairman
George Hartz, Vice-Chairman
Nancy Dallett (departed at 5:40 p.m.)
Kathy Howard
Paul Winslow (arrived 5:18 p.m.)

Absent: Dezbah Hatathli
Lisa Loss

Staff: Debbie Abele, HPO
Don Meserve
Bob Cafarella
Frank Gray

Also Present: Vern Swaback, Chairman of the Board of Trustees, Frank Lloyd Wright Foundation
John Berry, Attorney, Frank Lloyd Wright Foundation
Beverly Hart, Sub-committee member, Vice Pres., Frank Lloyd Wright Foundation
B.J. Gonzales, Sub-committee member
Frank Henry, Architect, Sub-committee member

A formal roll call confirmed members present as stated above.

MINUTES OF AUGUST 25, 2005 MEETING

Vice-Chairman Hartz commented that under "Future Meeting and Agenda Items," he had sent an e-mail message asking about a second September meeting. This was not a query from the Chairman.

VICE-CHAIRMAN HARTZ MOVED TO APPROVE THE AMENDED MINUTES OF THE AUGUST 25, 2005 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER HOWARD AND PASSED UNANIMOUSLY BY A VOTE OF 4 (FOUR) TO 0 (ZERO).

TALIESIN WEST HISTORIC PRESERVATION DESIGNATION COMMITTEE REPORT

Commissioner Dallett, Chair of the Taliesin West HP Designation Committee, reported that things are on track for setting the Historic Preservation Designation boundary for Taliesin West. The Committee first tried to determine where the boundaries should be in an academic or theoretical sense and came up with a boundary that comprised 491 acres. They then had discussions with representatives from the Frank Lloyd Wright Foundation (Foundation), the owner of Taliesin West. Under the September 2003 agreement between the City and the Foundation, the boundary for the HP designation was to be mutually agreed upon. A long series of meetings, exchanges of ideas and presentations ensued. The Foundation is considering applying to the City for a change in the underlying zoning from single-family residential zoning to Special Campus zoning for Taliesin West. This proposed rezoning changed the parameters for the discussion on the HP overlay.

Commissioner Dallett said the Committee and the Foundation representatives had agreed upon the map for an HP boundary and how the Historic Preservation Commission will be integrated into the Special Campus rezoning process. She noted the presence of Committee members Mr. Henry and Mr. Gonzales. Commissioner Howard is also a member of the Committee. The other Committee members or representatives from the Foundation attending Committee meeting are: Ms. Beverly Hart, Vice President for Public Access for the Foundation; Vern Swaback, Chairman of the Board of Trustees of the Frank Lloyd Wright Foundation; and John Berry, attorney representing the Frank Lloyd Wright Foundation.

Mr. Meserve reported that the boundary the Committee agreed upon at the meeting on September 7, 2005, encompasses the land that is considered the historic core area and the land within the 50-year conservation easement. All of the main buildings and site planning features that Frank Lloyd Wright was involved in the design of are included within the recommended boundary, including the entrance drive completed in 1958. His presentation included maps and slides depicting the area and buildings.

Commissioner Dallett said that the boundaries they had agreed upon are connected with the property currently developed at Taliesin West, as well as its future sites. They were persuaded that Special Campus zoning was an effective tool, perhaps even more effective than an HP-Historic Preservation overlay designation, to achieve common objectives. It is important to make sure that the Commission is inserted in the rezoning process as the Frank Lloyd Wright Foundation begins and implements the Special Campus process.

To ensure that what was agreed upon at Committee meetings is documented, the Committee recommends that the Commission get a letter from the Foundation stating that they accept this mutually agreed upon HP boundary. They need a sense of when the process is to begin and complete the Special Campus zoning. They would suggest that someone from the Historic Preservation Commission be appointed as a liaison between the Commission and the Foundation's Special Campus zoning process. The Commission would have the ability to review and make recommendations throughout the process, recognizing that they cannot veto anything and the Foundation is not looking for the Commission's approval. At the end of the two-year period, the Commission and the Foundation would agree to revisit the Historic Preservation boundary designation. If things do not work out as envisioned or if there is a long delay, it will be important to be able to revisit the notion again and come up with mutually agreed upon boundaries that would suit the situation in two years' time, if needed.

After the Commission has discussed the boundaries, Commissioner Dallett said that the Committee had a draft letter, which if approved, would be addressed to the Chairman of the Board for the

Foundation from the Chairman of the Historic Preservation Commission. This would set out the points of understanding regarding an agreement.

A discussion ensued regarding the boundaries under consideration and how they might best be defined. In reply to a question from Vice-Chairman Hartz, Commissioner Dallett said that their goal had been to protect and preserve, not just the architecture, but the setting and the view corridors as well. They are hoping that Special Campus zoning will prove to be a rigorous tool to accomplish these goals. They were not able to protect the view corridors with the designated boundaries. Protecting the view corridors was of great concern and they are hoping that the seven development plans for the Special Campus zoning, including the environmental design and design guidelines plan and special impact plan, would make it possible to accomplish this.

Commissioner Howard reported having a lengthy telephone conversation with Mr. Swaback that morning and had asked if she could see the contents of the binder, called Vision 2010, he had brought to a sub-committee meeting. Mr. Swaback explained that because of confidentiality issues and that his Board had not yet considered it, he was not at liberty to share that. She still has many questions and concerns about the view corridors and the sight lines. She is not comfortable with just the boundary as it is now.

Vice-Chairman Hartz asked for an explanation of the Special Campus zoning. Mr. Berry, attorney for the Foundation, explained that this is a zoning district that was created by the City to accommodate two properties in the City, recognizing that much of the zoning code was written 30 years ago and did not anticipate things like Taliesin West and the Mayo Clinic. It was designed to allow the City to customize a zoning category for unique, special uses in a campus setting. The special impact plan will allow them to deal with view corridors around Taliesin West. As a lawyer, he believes that Special Campus zoning is a more effective tool than HP designation. With the zoning in place, nothing can be done that is not in conformance with the plan, including the special impact plan, without going through the Planning Commission and the City Council. This ensures that the site will remain as planned for a generation or longer.

Mr. Meserve stressed that it is the underlying zoning that would be changed, due to a request by the Frank Lloyd Wright Foundation, from single-family residential to Special Campus zoning. The historic property zone would be an overlay zone designation that would not impact the land uses permitted by the underlying zoning.

Commissioner Winslow cautioned that restrictive zoning could be a mixed blessing.

Chairman Wimmer asked the representatives from the Frank Lloyd Wright Foundation if they had any comments for the meeting. Mr. Berry noted that they had not yet seen the draft letter. Mr. Swaback said he felt that the Foundation and the sub-committee were close on the issues. They had worked well together.

Mr. Gonzalez added that he thought it was a very good process. Everyone was very respectful of each other and they had reached a workable compromise.

Mr. Henry said he still has concerns about the Special Campus zoning. It is a very broad-brush set of rules. He has known the area since 1953 and everything that has happened has taken away from the original Taliesin West setting. He does not want anything further taken away from it. The additions after 1959 had been placed with good intentions but were not up to what the master (Frank Lloyd Wright) had put there and detracted from the original architecture. He knows that things have to grow, but if a visitors' center is built he wants to be sure it is subordinate to what is already there. This is not

just Scottsdale's treasure, this is a world treasure. This is on the same level as the Parthenon or Reims Cathedral. As much as possible has to be preserved.

Commissioner Dallett said that the expectation had been that the Committee would come together to create the boundaries and then remain intact, but dormant. She requested that the Committee be kept in existence.

VICE-CHAIRMAN HARTZ MADE A MOTION TO ACCEPT THE NEGOTIATED RECOMMENDED BOUNDARY OF THE TALIESIN WEST SUB-COMMITTEE. THE MOTION WAS SECONDED BY COMMISSIONER WINSLOW. THE MOTION CARRIED BY A VOTE OF 4 (FOUR) TO 1 (ONE), WITH COMMISSIONER HOWARD DISSENTING.

VICE-CHAIRMAN HARTZ MADE A MOTION TO AUTHORIZE THE CHAIRMAN OF THE COMMISSION TO NEGOTIATE A LETTER WITH THE FRANK LLOYD WRIGHT FOUNDATION ENCOMPASSING THE KEY POINTS AND SPIRIT OF THE REPORT FROM THE SUB-COMMITTEE AND THAT THE COMMISSIONER BE EMPOWERED TO ACT. THE MOTION WAS SECONDED BY COMMISSIONER DALLETT. THE MOTION CARRIED BY A VOTE OF 3 (THREE) TO 1 (ONE), WITH COMMISSIONER HOWARD DISSENTING, AND COMMISSIONER WINSLOW ABSTAINING DUE TO HAVING MISSED THE PRESENTATION ON THE KEY POINTS OF AGREEMENT.

Chairman Wimmer said he was asking the Committee to continue, at least for the foreseeable future. He asked the Chairman of the Committee to be the Commission's representative for the time being. Commissioner Dallett agreed to do so.

Chairman Wimmer thanked all members of the Committee and thanked Mr. Berry for his eloquent presentation at the previous day's Committee meeting. He agreed with Mr. Swaback that they have a great opportunity.

SEPTEMBER 21ST OPEN HOUSE ON NEIGHBORHOOD GUIDELINES AND PROGRESS REPORT ON PREPARING GUIDELINES FOR TWO NEIGHBORHOOD DISTRICTS

Ms. Abele described the planned open house that will be held from 4:30 to 7:00 p.m. on September 21, 2005. There will be stations related to different topics and programs. The attendees will also be asked for their input as to what topics they would like more information about in the future. All residents of the two neighborhoods have been mailed a notice about the open house. She asked the Commissioners to attend and help by talking with the neighbors on whatever topic they felt most comfortable with. The current student intern, Mr. Ian Johnson, will be in attendance.

Ms. Abele outlined the current thinking for the proposed exterior rehab program for the Commission so they could comment on the concepts before the information is given to residents at the open house. A rehab grant program is going to be set up so residents in the two neighborhoods can apply for reimbursement of funds for exterior rehabilitation work on residences with a historic designation. The program details have not yet been finalized. However, it will be a competitive application process, as the Commission wants to use the program to demonstrate the best practices and appropriate treatments. The program only applies strictly to work done on the exteriors of the houses.

Ms. Abele reported that she had been involved with a similar program in Phoenix that worked very well. The first selection committee will need to review the application process and selection criteria as well as select the first round of applications. She discussed the steps to be undertaken through the

next few months to put everything in place. Ms. Abele noted that applicants would need time to complete their application as they will be required to get three bids from contractors.

The proposal sets forth a draft schedule that the first round of applications would be due on February 15th, 2006. The Committee would meet by March 1st to review the applications. Half a day would be set aside for the review of applications by the selection committee. The Commission would approve the Committee's recommendations at its March meeting. City Council has to approve the recommendations for grants because City money is being spent.

Finally, conservation easement agreements would need to be executed. All of the projects selected should be of high standards that the Commission can take pride in supporting. The Committee will be able to tweak projects by asking homeowners to modify less successful elements of their application.

The next round of applications would be considered in September, 2006. The goal is to allocate the \$200,000 set aside for the rehab program this year between the two rounds of applications. It is likely that not all of the funds allocated will be spent, but Ms. Abele said that Mr. Cafarella considers it very important to demonstrate that the money is needed by homeowners and would be well spent.

If the Commission agrees, staff would prepare material on the rehab grant program for display at the open house. The display would be labeled as a draft, subject to change.

In reply to a question from Vice-Chairman Hartz, Ms. Abele said that no construction work could start on a project until an agreement has been executed. An easement will need to be dedicated which requires that consent be obtained from the mortgage holder. It is the applicant's responsibility to do the necessary paperwork, which the Commission will supply. She noted that the Commission is not funding the work. They would be purchasing a conservation easement from the property owner who agrees to use the proceeds of the money the Commission gives them to do the agreed upon scope of work. All construction contracts are between the homeowner and the contractor.

In reply to a question from Commissioner Winslow, Ms. Abele clarified that a conservation easement would cover all exterior surfaces of the building. The easement is necessary because it is the only legal way that public funds can be given to private property owners.

In answer to a question from Commissioner Howard, Ms. Abele said that before the funds are disbursed, staff would perform an inspection of the property. Commissioner Winslow asked if the homeowner would be able to do the work themselves. Ms. Abele said that is extremely difficult to administer. In the early stages of the program, her advice would be to refrain from that practice. It is the Commission's decision as to how they want the program to operate.

Chair Wimmer noted that some kinds of work are more suitable for do-it-yourself projects by homeowners. Ms. Abele confirmed that no Federal funds are involved in the program.

Staff intends to document all of the time spent on the project by staff, interns and the Committee through fiscal year 2006-2007. This documentation will form the basis for a future request for staff to administer the rehab grant program. Ms. Abele added that if there is a high volume of applications, a source of funding to pay a consultant has been identified.

In response to further questions from Chairman Wimmer, Ms. Abele explained that there is a process of negotiation with the homeowner if the entire application is not approved "as is" by the Committee. Information pertaining to the process will be available at the open house so that potential applicants are aware of the program requirement for a conservation easement.

Mr. Meserve noted that people in the two neighborhoods have shown interest in the grant program.

Mr. Meserve reported that the intern, Ms. Horahoe, had completed the house-by-house inventory forms for Village Grove 1-6. He passed around one of the three binders of surveys for Village Grove 1-6, which will be available for residents to view at the open house. Every one of the 255 homes has an inventory form and a photograph. Chairman Wimmer suggested providing a copy of the inventory binders to the Records Department. Mr. Johnson, intern is currently working on the Town and Country Scottsdale inventory forms. Ms. Abele told the meeting that homeowners will get a complimentary copy of the form and photograph of their home. Commissioner Howard noted that this was an excellent marketing strategy to engage the neighborhood.

Ms. Abele asked the Commission Members to let her know if and when they would be at the open house so that staff could plan assignments. Staff hopes to have a mockup of the Historic District street signs on display.

COMMITTEE REPORTS

Vice-Chairman Hartz reported on the Community Outreach Committee's preparations for the event to be held on October 5th at the Civic Center Library. A planning meeting will be held on September 19th. He is planning to speak and hand out brochures on Early Town buildings and the Arts and Tourism. He will share appropriate information about the Commission's neighborhood preservation activities. Mr. Meserve is to speak on the City's involvement in the preservation of archeological resources, the ordinance and awards the Commission has received. The most important presentation will be about the peoples that lived in the McDowell Sonoran Preserve area. Tom Wright, a professional archeologist who has worked extensively in the Preserve, will speak on his work. Commissioner Hatathli will speak on archeology among the Salt River community. Carla has agreed to speak about the importance of finishing the Preserve. He thinks that by focusing on people who are committed to preserving the natural environment, they may be able to interest them in historic preservation. Many people in that group are unaware of the existence and activities of the City and Commission on archaeology. He is hoping for good attendance.

Commissioner Howard asked if they had thought of contacting the homeowners associations near the Preserve, noting that they have electronic bulletin boards. Vice-Chairman Hartz thanked her for this great idea. Chairman Wimmer said the Committee had done a great job and that this would probably be one of the key events they would do this year. Vice-Chairman Hartz said the Committee wanted to do two things this year: the walking tour and the October 5th event. He felt that two major events a year is a sensible goal.

Commissioner Howard said that she had nothing to report from the Historic Registry Committee. The sub-committee on Taliesin West has been very active over the summer. She showed a full-page article that was in the Scottsdale Republic on September 6th entitled: "Focus on Historic Homes." Mr. Meserve said that he had spoken with the writer but the feature article was the newspaper's initiative.

HPO/STAFF REPORT AND ANNOUNCEMENTS

Mr. Meserve noted that they had heard this week that the lawsuit against the City regarding Sherwood Heights rezoning was settled by summary judgment in favor of the City. He added that Sherwood Heights is one of the initial five neighborhoods that the Commission had identified as possible historic districts. Council had imposed a height restriction on the area in response to an initiative from residents. Some residents had challenged that in court. The plaintiffs could still appeal the judgment.

COMMISSIONER COMMENTS AND ANNOUNCEMENTS

Vice-Chairman Hartz asked about a future meeting topic, which Ms. Abele is following up on.

PUBLIC COMMENTS

No members of the public were still in attendance.

FUTURE MEETING AND AGENDA ITEMS

The next meeting is scheduled for Thursday, October 13, 2005.

Ms. Abele asked Commissioners to keep their calendars clear for a possible second meeting on October 27th. She advised them that there will not be second meetings in September, November or December.

Mr. Meserve said that staff continues to work with the architects on the preservation guidelines for Village Grove 1-6 and Town and Country Scottsdale. The HP Plans, including the preservation guidelines, will be future agenda items for Commission review and approval.

ADJOURNMENT

There being no other business to discuss, the meeting adjourned at 6:32 p.m.

Respectfully submitted,
AV/Tronics